

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AFSHIN ZARINEBAF and ZACHARY)	
CHERNIK, JOAN MEYER , individually and on)	
behalf of a class of similarly situated individuals,)	Case No.: 1:18-cv-06951
)	Hon. Virginia M. Kendall
Plaintiffs,)	
)	
v.)	
)	
CHAMPION PETFOODS USA INC. and)	
CHAMPION PETFOODS LP ,)	
)	
Defendants.)	
_____)	

**DEFENDANTS’ MOTION TO EXCLUDE
PLAINTIFFS’ EXPERT WITNESS DR. GARY PUSILLO**

Defendants Champion Petfoods USA Inc. and Champion Petfoods LP (collectively, “Champion”), by and through the undersigned counsel, hereby move this Court pursuant to Federal Rule of Evidence 702 (“Rule 702”) and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), for an order barring the expert testimony and opinions of Plaintiffs’ proffered expert Dr. Gary Pusillo. In support of this motion, Champion states as follows:

1. As set forth in Champion’s accompanying memorandum, Dr. Pusillo’s testimony and opinions that (i) Champion’s dog food and ingredients are not “certified for safety”; (ii) certain statements on Champion’s packaging are untrue; and (iii) plastic containers and packaging materials used by Champion “can be a source of” bisphenol A (“BPA”) should be excluded from this case because they fail to satisfy the requirements of Rule 702 and *Daubert*.

2. Wherefore, Champion respectfully moves this Court for an order excluding the opinions and testimony of Dr. Pusillo, precluding him from testifying at trial, and for such other and further relief as the Court deems appropriate.

Dated: April 29, 2021

Respectfully submitted,

s/ David A. Coulson

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of April, 2021, I served the foregoing document on all counsel of record identified on the below Service List via Registered Email.

/s/ David A. Coulson
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